

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALESSANDRO MASI,

Plaintiff,

- against -

REDIFF.COM, INC.,

Defendant.

Docket No. 17-cv-03126

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Alessandro Masi (“Masi” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant Rediff.com, Inc. (“Rediff.com” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of two (2) copyrighted photographs of Halden luxury prison in Norway, owned and registered by Masi, a London-based photojournalist. Accordingly, Masi seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Masi is an award-winning professional documentary photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 6 Balmoral Road, London, NW25DY, United Kingdom. Masi is deeply committed to spreading awareness and supporting action towards children's rights and education. Masi won the Premio Anima 2015 Soul Prize for Photography in Italy. His images are exhibited as part of the UNICEF Germany collaboration with the Arp Museum Bahnhof Rolandseck in Germany.

6. Upon information and belief, Rediff.com is a corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 43 West 24th Street, 7th fl., New York, New York 10010. Upon information and belief, Rediff.com is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, Rediff.com has owned and operated a website at the URL www.rediff.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. On October 1, 2010, Masi photographed the Halden Luxury Prison in Norway (the "Photographs"). True and correct copies of the Photographs are attached hereto as Exhibit A.

8. Masi is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs are registered with the U.S. Copyright Office and were given Copyright Registration Number VA1-996-957.

B. Defendant's Infringing Activities

10. On or about July 29, 2011, Rediff.com ran an article on the Website entitled *Inside Norway's luxurious Halden jail*. See <http://www.rediff.com/news/slide-show/slide-show-1-inside-norway-luxurious-halden-jail/20110729.htm#10>. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit B.

11. Masi discovered Defendant's infringement on the Website on October 14, 2016.

12. Rediff.com did not license the Photographs from Plaintiff for its article, nor did Rediff.com have Plaintiff's permission or consent to publish the Photographs on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST REDIFF.COM)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Rediff.com infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website. Rediff.com is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the aforementioned acts of infringement by Rediff.com have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

18. Defendant's conduct, described above, is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Rediff.com be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded his actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: April 28, 2017
Valley Stream, New York

LIEBOWITZ LAW FIRM, PLLC

By: /s/ Kamanta C. Kettle
Kamanta C. Kettle
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
Telephone: (516) 233-1660
KK@LiebowitzLawFirm.com

Attorney for Plaintiff Alessandro Masi